

CLEAN WATER ACT

R6-2-89. Removal of Discharge or Threat of Discharge

1. AUTHORITY. Pursuant to section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA):

- a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
- b. To direct or monitor all Federal, State, and private actions;
- c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
- d. To consult with affected trustees; and
- e. To determine when the removal is complete.

2. TO WHOM DELEGATED. This authority is delegated through the Director, Superfund Division, the Chief, Response and Prevention Branch, and the Chief, Site Response Section to the On-Scene Coordinators.

3. LIMITATIONS.

- a. Section 1011 of the OPA limits the authority in 1.e. to cases that involve the discharge of oil.
- b. The authority in section 1.a. to 1.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
- c. The authority in 1.b includes issuance of orders.
- d. The decision in 1.b to federalize a response to a discharge will be made in consultation with Response and Prevention Branch Chief.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

- a. NCP (40 CFR Part 300).

Delegation of Authority from the
Regional Administrator